

REMARKS¹

STATUS OF THE CLAIMS

Claims 1-11 are pending with claims 1 and 10 being in independent form. By this Amendment, Applicant amends claims 1, 2 and 10. Applicant respectfully requests reconsideration and allowance of the application for the reasons presented below.

RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

A. Claims 1-3 and 5-11

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,386,876 to Kim ("Kim"), in view of US Publication No. 2004/0003285 to Whelan et al. ("Whelan"), further in view of US Patent No. 6,115,376 to Sherer et al. ("Sherer").

Applicant respectfully disagrees with the Office action and traverses the rejections for the following reasons. No *prima facie* case of obviousness is established. The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See MPEP § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the burden thus remains with the Examiner, as the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

invention obvious to one of ordinary skill in the art. MPEP §2142.

Claim 1 recites a method for preventing Ethernet from being attacked including, *inter alia*, a combination of “establishing and storing a fixed map …,” “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off,” and “deleting the fixed map” Applicant respectfully submits that the cited prior art references, considered alone, or in combination, fail to disclose or suggest such a combination.

For example, in rejecting claim 1, the Office action, relying on paragraph 0017, lines 12-17 of Whelan, asserts that it teaches “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off” as claimed in claim 1. Applicant respectfully disagrees.

Paragraph 0017, lines 12-17 of Whelan recites that

In another embodiment, the system further comprises a switch or router configured to transfer information between at least two network segments; and the network monitor is further configured to configure the switch or router to prevent transfer of information through the switch originating from or addressed to the unauthorized access point.

Whelan at best describes a network monitor which is used to configure the switch or router to prevent transfer of information through the switch. Whelan, however, is silent regarding prohibiting the fixed map from being modified as long as the connection between the port and the terminal device is not cut off, as recited in claim 1.

As stated in BACKGROUND of the present application, a conventional switch implements a learning process to establish a map between MAC 1 and Port 2. (See Original Specification, page 2) After the learning process, the map between MAC 1 and Port 1 in the switch’s MAC table will be transferred to the map between MAC 1 and Port 2. *Id.* Thus, in a conventional switch, the map between a port and a hardware address of a terminal device is dynamically updated when the switch is connected. The conventional switches

do not prohibit the fixed map from being modified as long as the connection between the port and the terminal device is not cut off.

By prohibiting the fixed map from being modified as long as the connection between the port and the terminal device is not cut off, the claimed method may provide an advantage of not changing the map so as to avoid MAC address cheating and MAC address bombing. The method disclosed by Whelan fails to provide the benefits of avoiding MAC address cheating and MAC address bombing as may be provided by the claimed invention. Therefore, Applicant respectfully submits that Whelan fails to teach or suggest a combination of "establishing and storing a fixed map ...," "prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off," and "deleting the fixed map" as recited in claim 1.

Moreover, in rejecting claim 1, the Office action points to Kim, column 3 line 48 through column 4 line 10, as allegedly teaching "establishing and storing a fixed map between a port and a hardware address of a terminal device." Applicant respectfully disagrees.

The Examiner asserts that column 3 line 48 through column 4 line 10 of Kim teaches the address table 152 establishing and storing information related to the MAC address and the port table. Column 4 lines 5-8 of Kim recites:

The address table 152 stores information related to MAC addresses and the port table 154 stores information about the current status, port attributes enable/disable, and packet reception completion of each MAC port.

The cited passage in Kim merely describes two tables, i.e. an address table 152 and a port table 154. The address table 152 stores information related to MAC addresses, and the port table 154 stores information about the current status, port attributes enable/disable, and packet reception completion of each MAC port. *Id.* Kim fails to disclose or suggest an address table that stores a fixed map between a port and a hardware address of a terminal

device. Therefore, Applicant respectfully submits that Kim fails to teach or suggest a combination of “establishing and storing a fixed map …,” “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off,” and “deleting the fixed map” as recited in claim 1.

Sherer fails to cure the deficiencies of Kim and Whelan. The Office Action cites to Sherer as allegedly disclosing “deleting the fixed map after the Ethernet connection device detects a disconnection between the port and the terminal device.” Office Action, page 4. Even if the characterization of Sherer could be considered to be correct, which Applicant does not concede, Sherer discloses “[u]pon receiving a packet on a particular port, the process involves determining whether the packet carries a source address which the authentication data maps to the particular port. Sherer, Abstract. However, Sherer provides no disclosure or suggestion of a combination including “establishing and storing a fixed map …,” “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off,” and “deleting the fixed map,” as recited in claim 1.

As explained above, the elements recited in claim 1 are neither taught nor suggested by the applied references. Nor has the Examiner explained how teachings of the references could have been modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 1. Claim 1 is thus patentable over the prior art of record and withdrawal of the rejection is respectfully requested.

Independent claim 10, although of different scope, recites elements similar to those of claim 1, and should be allowable over the cited prior art for at least the same reasons as

claim 1. Claims 2, 3, and 5-9 depend from claim 1 and claim 11 depends from claim 10, and all are allowable at least due to their dependence therefrom.

B. Claim 4

Claim 4 is rejected under U.S.C. 103(a) as being unpatentable over the combination of Kim, Sherer and Whelan, further in view of US Patent No. 7,263,559 to Yao et al. ("Yao").

Claim 4 ultimately depends from claim 1. As discussed above, Kim, Sherer and Whelan fail to teach a combination of "establishing and storing a fixed map ...," "prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off," and "deleting the fixed map ...," as recited in claim 1. Yao fails to cure the deficiency of Kim, Sherer, and Whelan. Therefore, claim 1 and its dependent claim 4 are patentable over Kim, Sherer and Whelan, and further in view of Yao.

CONCLUSION

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER,
L.L.P.

Dated: September 22, 2009

Darell D. Kinder, Jr.
Darell D. Kinder, Jr.
By: Reg. No. 57,460
Weiguo Chen
for Reg. No. 61,878
650.849.6600